

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NEXTDOOR, INC.,
Plaintiff,

v.

RAJ ABHYANKER,
Defendant.

Case No. [12-cv-05667-EMC](#)

**ORDER GRANTING PLAINTIFF'S
MOTION TO ENFORCE
SETTLEMENT**

Docket Nos. 501, 524

Previously, the Court granted Nextdoor's motion for immediate interim relief. *See* Docket No. 561 (order). In the same order, the Court noted that Nextdoor's motion to enforce the Settlement Agreement should also be granted but deferred issuing that order because of Mr. Abhyanker's pending appeal. Mr. Abhyanker has now voluntarily dismissed his appeal. *See* Docket No. 569 (Ninth Circuit order). The Court therefore now **GRANTS** Nextdoor's motion to enforce the Settlement Agreement.

Mr. Abhyanker has suggested that this order is unnecessary because he has complied with the Settlement Agreement and/or the Court's order on interim relief. However, "[i]t is well settled that 'a defendant's voluntary cessation of a challenged practice does not deprive a federal court of its power to determine the legality of the practice,'" as "'[i]f it did, the courts would be compelled to leave 'the defendant . . . free to return to his old ways.''" *Friends of the Earth, Inc. v. Laidlaw Env'tl. Servs. (TOC), Inc.*, 528 U.S. 167, 189 (2000). Mr. Abhyanker has not met "'heavy burden of persuading' [this] [C]ourt that the challenged conduct cannot reasonably be expected to start up again"; given the history of this litigation, it is not "'absolutely clear that [his] behavior could not reasonably be expected to recur.'" *Id.*

1 Because the appeal has now been resolved, the Court also addresses Mr. Abhyanker's
2 motion to stay. *See* Docket No. 501. The motion is **DENIED** as moot.

3 This order disposes of Docket Nos. 501 and 524.

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5 **IT IS SO ORDERED.**

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7 Dated: June 7, 2021

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10 EDWARD M. CHEN
11 United States District Judge
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